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Attorneys for Plaintiff Barry Beitler

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
SANTA ANA DIVISION**

In re:

JOHN JEAN BRAL

Debtor and Debtor-
in-Possession.

Case No. 8:17-bk-10706-SC

Chapter 11

Adv. Case No. 8:17-ap-01092-SC

BARRY BEITLER,

Plaintiff,

v.

JOHN JEAN BRAL,

Defendant.

**BARRY BEITLER'S STATEMENT IN
RESPONSE TO MOTION FOR ORDER
DISMISSING WITH PREJUDICE ALL
CLAIMS FOR RELIEF ASSERTED BY
PLAINTIFF PURSUANT TO F.R.C.P. 12
(B)(6)**

Date: December 7, 2017

Time: 11:00 a.m.

Place: Courtroom 5C
411 West Fourth Street
Santa Ana, CA

Barry Beitler ("Plaintiff") hereby files this Statement in response to that certain *Motion For Order Dismissing With Prejudice All Claims For Relief Asserted By Plaintiff Barry Beitler Pursuant To F.R.C.P. 12(b)(6)* (the "Motion") [Doc. No. 25]¹ filed by Defendant John Jean Bral (the "Debtor" or "Defendant").

On November 9, 2017, Defendant filed and served the Motion. Pursuant to Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure², made applicable to this proceeding by Rule 7015 of the Federal Rules of Bankruptcy Procedure, Plaintiff has a period of 21 days from the service of the Motion to amend his Complaint in this adversary proceeding. Pursuant to a stipulation between Plaintiff and Defendant, Plaintiff will have to and including December 2, 2017 to amend his Complaint, and the hearing on the Motion will be vacated. Plaintiff reserves the right to oppose the Motion, or any future motion seeking dismissal of the Complaint as amended.

Dated: November 22, 2017

LEVENE, NEALE, BENDER, YOO & BRILL L.L.P.

By: /s/ Krikor J. Meshefejian

GARY E. KLAUSNER

KRIKOR J. MESHEFEJIAN

Dated: November 22, 2017

LEVY, SMALL & LALLAS

A Partnership Including Professional Corporations

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MARK D. HURWITZ

By: 

TOM LALLAS

Attorneys for Barry Beitler

¹ Substantially identical statements have been filed in the other two non-dischargeability adversary proceedings filed against the Debtor.

² Rule 15(a)(1)(B) provides that: "A party may amend its pleading once as a matter of course within...if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier."

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 10250 Constellation Boulevard, Suite 1700, Los Angeles, CA 90067

A true and correct copy of the foregoing document entitled: **BARRY BEITLER'S STATEMENT IN RESPONSE TO MOTION FOR ORDER DISMISSING WITH PREJUDICE ALL CLAIMS FOR RELIEF ASSERTED BY PLAINTIFF PURSUANT TO F.R.C.P. 12 (B)(6)** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **November 22, 2017**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Beth Gaschen bgaschen@wglp.com, kadele@wglp.com;lfisk@wglp.com;lgauthier@lwgfllp.com;nlockwood@lwgfllp.com
- Mark D Hurwitz mhurwitz@isl-la.com, dsmall@isl-la.com
- Gary E Klausner gek@lnbyb.com
- William N Lobel wlobel@lwgfllp.com, nlockwood@lwgfllp.com;jokeefe@lwgfllp.com;banavim@wglp.com
- Krikor J Meshefejian kjm@lnbrb.com
- United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov

2. SERVED BY UNITED STATES MAIL: On **November 22, 2017**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

John Jean Bral
64 Sandpiper
Irvine, CA 92604

Alan J Friedman
Lobel Weiland Golden Friedman LLP
650 Town Center Drive, Suite 950
Costa Mesa, CA 92626

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **November 22, 2017**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Served via Overnight Mail

Hon. Scott C. Clarkson
United States Bankruptcy Court
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5130 / Courtroom 5C
Santa Ana, CA 92701-4593

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

November 22, 2017
Date

Stephanie Reichert
Type Name

/s/ Stephanie Reichert
Signature